PANEL OF CHAIRMEN.

PRESIDENT : Under Rule 3 (2) of the Legislative Rules, I nominate Mr. S. Krishna Aiyar and Mr. M. Sivathanu Pillai as the Panel of Chairmen for this Session of the Assembly.

LEGISLATIVE BUSINESS.

THE TRIVANDRUM CITY MUNICIPAL BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer to Government*) : Sir, I rise to move for the third reading of the Trivandrum City Municipal Bill. But before doing so, I wish to move for the amendment of two clauses in the Bill. They are merely consequential amendments. A list of the amendments made by the House at the second reading of the Bill has been supplied to honourable members and it will be noticed that the two amendments that I have given notice of are merely amendments consequential to the amendments that have already been effected by the House. I move that in Sub-clause (1) of Clause 54, the following shall be added as a proviso :—

> "Provided that the disqualifications specified in clauses (i) and (j) shall not apply to any person appointed as a special councillor under sub-section (2) of Section 5"

DR. H. PARAMESVARAN : I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move the following amendment

"In Clause 95 :

(1) In sub-clause (1)

(a) for the semi colon and the word "and" appearing at the end of sub-clause (c) substitute a full stop ; and

(b) omit sub-clause (d)

(2) In the first proviso to sub-clause (2), substitute a full stop for the semi colon and the word "and" occurring in line 8."

DR. H. PARAMESVARAN : I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I move that the Trivandrum City Municipal Bill as amended be passed.

DR. H. PARAMESVARAN : I second it.

The motion was put to vote and carried.

THE TRAVANCORE DEBT RELIEF BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Debt Relief Bill. I move that the Bill as revised by the Select Committee be considered,

DR. H. PARAMESVARAN : I second it.

The motion was put and carried.

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Clause 1.

The question that clause 1 does stand part of the Bill was put and carried.

The clause was added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: I wish to make a few observations before the various amendments proposed by honourable members are taken into consideration. The Bill as revised by the Committee of the whole House contains many new and important provisions which it may be stated are of undoubted benefit to the debtors. The alterations made in the provisions of the Bill as they originally stood and the additions by way of new provisions of further relief for indebtedness are the result of a close, continued and careful study of the subject by the members of the Committee and have been adopted in many respects by way of compromise. Government have carefully considered these provisions. I wish to state at the outset that Government are prepared to adopt the Bill as revised by the Select Committee. But it must be stated that Government attitude is based entirely on the supposition that it is a compromise arrived at by the members of this House. Nearly 200 amendments have been tabled for discussion. A careful examination of these amendments shows that there are still a large number of representatives who are opposed to the adoption of the Bill as revised by the Select Committee in the same spirit of compromise in which it is proposed to be adopted by Government. Most of these amendments do not appear to be for improving upon the provisions of the Bill. They are proposals calculated to strike at the root of the main principles involved in the Bill. It was stated over and over again by many of the members, especially of the Nationalist Party, that there should be no distinction between a debtor and a debtor either in regard to the total of his debts or in regard to his capacity or willingness to repay his debts. Though at first Government were not willing to adopt this view, they subsequently revised their opinion out of deference to the wishes of many leading members of this House. It now appears that many honourable members would like to have a maximum fixed for the debts. If that is going to be the majority opinion of this House, Government will have to reconsider the whole question and reopen matters on which agreement has been arrived at by way of compromise. It was expressly understood and for very definite and clear reasons that debts incurred after 23rd Dhanu 1112 cannot be made to be affected by any debt relief measure. Many honourable members even now want to make the Bill applicable to debts incurred till date of the commencement of the proposed measure. If that happens to be the majority opinion of this House, Government will have to reconsider several of the provisions contained in this Bill particularly in regard to future interest, scaling down of debts and method of calculation of interest. Various classes of debts which were recommended by the Debt Relief Committee to be excluded from the purview of the Bill have been excluded in the Bill. Many members appear to demand that such debts should be included within the scope of the Act. If that is the majority opinion of the House, Government will have to reconsider several of the

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provisions of the Bill as now presented to the House. There are several other amendments also which strike at the root of the main principles. I would not have made this statement had it not been for the fact that this measure has been delayed for an unduly long period. The expectations of the debtors and uncertainty amongst creditors as to what attitude this House will adopt in respect of this Bill have practically paralysed all credit and credit facilities in the State. It is not for the good of the State that this matter should be delayed any longer. In the event of amendments affecting the principles of the Bill being carried by this House, the Government may require further time to re-examine the whole question and come to its own conclusions. It will involve further delay and greater hardship to both debtors and creditors. It must be the object of the House to avoid these complications.

I make this statement in order to explain the position I myself and the other Official members of the House will have to adopt in respect of these amendments.

Clause 2.

MR. N. NARAYANA KURUP: In Clause 2 I move that the word 'Public' in sub-clause (2) be deleted.

The reason for this amendment is this. There are about 221 private limited companies doing banking business in the State. And these companies have to follow the provisions under Act IX of 1114. The method of business conducted by these companies is this. They borrow at 9 per cent. or 10 per cent. interest from the public limited companies and lend out to their debtors at 12 or 15 per cent. interest. If 'bank' is defined as a public company, then the public limited companies alone will be excluded while the private limited companies will be included whereby the debts due to the private limited companies will be reduced. In other words their debts will be reduced under the provisions of the bill, as they will not get the benefit of a debtor with regard to their transactions with a public limited company. Therefore the private limited companies which follow the Act of 1114 should also be exempted and hence the word 'Public' should be deleted. With these words I commend the motion for the acceptance of the House.

MR. S. SAMBASIVA AIYAR (*Co-opted*): I second the motion.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I oppose the amendment. The exclusion of the Public Banks was proposed and adopted after a very careful consideration. There is a large difference between private companies carrying on banking business and public companies carrying on banking business. If the argument of the learned mover is upheld it would then be as good as saying that the privileges ought to be extended not only to private limited companies but also to firms which are also composed of individual members. If that is done it will have to be extended to individuals. There does not appear to be any good reason why any private bank should be excluded. With these few words I oppose the motion.

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MR. N. NARAYANA KURUP: Sir, the reasons advanced by the learned Legal Remembrancer are not at all convincing. It is not reasonable to say that private firms also should be excluded from the operation of the Bill. I do not think that there are private firms which come under Act IX of 1114 giving dividends to share holders. Therefore, I press the motion.

The motion was put to the vote and lost.

MR. K. G. GOVINDAN (*Pathanamthitta*): I move that in Clause 2, Sub-Clause (vii) the words "but does not include a religious or charitable institution" be deleted.

In Sub-Clause (iv) it is stated that a "debt" means any liability in cash or kind whether secured or unsecured due from any person. In the definition of the word "Person" religious or charitable institution is not included. It means that a debt due from religious or charitable institutions cannot be a debt so far as this bill is concerned, and that any of these institutions cannot be a debtor. So the beneficial provisions of this bill cannot be availed of by charitable or religious institutions which are debtors and this is uncharitable. With these words I commend the motion for the acceptance of the House.

The motion fell through for want of a seconder.

MR. P. S. MUHAMED: I beg to move that in Clause 2 the following be added as sub-Clause (x)

"Interest in relation to a debt includes any sum however described payable to the creditor in excess of the principal".

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the motion. The honourable member said in justification of the introduction of this definition that it is necessary to understand what is meant by, interest. Everybody knows that interest is that which accumulates either by force of the provisions contained in a statutory enactment or by agreement. Therefore no definition seems to be necessary in the bill. No doubt, in the original bill a definition was given and the whole House considered it and decided to omit it. I do not see any reason why any further definition should be inserted. The definition in the original bill was omitted on the assumption that the word 'interest' should be accepted in its ordinary general meaning. In view of the general principles adopted and embodied in the bill there is no necessity for any definition of the word "interest". Probably the mover has brought forward this amendment in anticipation of another amendment of the word "Principal". And it is the next motion standing against his name. But, Sir, I may say that neither this motion nor the next one can be adopted for the purpose of this bill. There is no necessity for a definition. Everybody understands what is meant by 'interest'. 'Interest' is that which is realisable and payable according to law. If a distinction is made it will be going back upon the several principles contained in the bill. Therefore I oppose the motion.

The motion was put to vote and lost.

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7 MR. P. S. MUHAMED : In clause 2, add the following as sub-clause (x) :

" Interest in relation to a debt includes any sum however described payable to the creditor in excess of the principal."

ഞാൻ ഈ ഭേദഗതി ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

സർ, ഈ ബില്ല് കടനിവാരണത്തെ സംബന്ധിച്ചായതുകൊണ്ട് കടത്തെ സംബന്ധിച്ചു ഇതിൽ ഡെഫനിഷൻ കാണുന്നുണ്ട്. എന്നാൽ കടത്തിനു ഹേതുവായ മുതലിനേയും അതിന്റെ പലിശയേയും സംബന്ധിച്ചു പ്രത്യേകമായ ഡെഫനിഷനില്ല. പലിശ അരവാശിയിൽ കവിയാൻ പാടില്ലാ എന്നു വ്യവസ്ഥ സാധാരണ പ്രൊസീഡ്വർ കോഡിൽ ഉള്ള സ്ഥിതിക്കു മുതലെന്താണെന്നും പലിശ എന്താണെന്നും അറിഞ്ഞിരിക്കേണ്ട ആവശ്യമുണ്ട് അതിലേക്കുവേണ്ടിയാണു ഞാൻ ഈ ഭേദഗതി ഹാജരാക്കുന്നത്.

In clause 2, add the following as sub-clause (xi) :

" Principal includes accumulated interest if it has been converted into principal at any statement or settlement of accounts or by any contract prior to the first day of Chingom 1105 but not otherwise",

ഞാൻ ഈ ഭേദഗതി ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

സർ, ക ൦ ൪-നു ശേഷമാണ് ഡിപ്രഷൻ ഉണ്ടായതെന്നും അതിനുമുൻപു അമിതമായ നിലയിൽ ഇവിടെയുള്ള സാധനങ്ങൾക്കു വില വർദ്ധിച്ചിരുന്നു എന്നുള്ള സംഗതികൾ ഡെറാ റിലീഫ് എൻക്വയറി കമ്മീഷനിയുടെ റിപ്പോർട്ടിൽ നിന്നും വ്യക്തമാകുന്നുണ്ട്. ക ൦ ൪-നുശേഷമുണ്ടായ പിലശ തുടരെ പത്തുകൊല്ലം മുതലോടുകൂടിതന്നെ കണക്കുകൂട്ടിവച്ചിരിക്കയാണ്. ക ൦ ൪-ൽ ക ൦ ൦ ൦ രൂപാ കടമുണ്ടായിരുന്ന ഒരാൾക്കു ഇപ്പോൾ അതു ൪ ൦ ൦ ൦ രൂപയായി വർദ്ധിച്ചിട്ടുണ്ട്. അങ്ങിനെയുള്ള കടക്കാർക്കു ഈ ബില്ലുകൊണ്ടു പ്രയോജനമില്ലാതെയാണു കാണുന്നതു. യഥാർത്ഥത്തിൽ മുതലിൽ നഷ്ടം വരുത്തുന്നതെന്നുള്ളതിൽ അഭിപ്രായവ്യത്യാസം ഞങ്ങളിൽ അധികംപേർക്കുമില്ല. ക ൦ ൪-നുശേഷം ഏതെങ്കിലും സെറ്റിൽമെന്റുകൊണ്ടോ അക്കനോളേജുമെന്റുകൊണ്ടോ അല്ലെങ്കിൽ പുതുതായി എഴുതിപ്പിടിച്ചതുകൊണ്ടോ പലിശയും മുതലും ഒന്നിച്ചുചേർത്തു തുക ഭീമമായി വർദ്ധിച്ചിട്ടുണ്ട്. പലിശ കുറയ്ക്കണമെന്നു പറയുന്നില്ല. ഏതു കാൺട്രാക്ടനുസരിച്ചു കടം വാങ്ങിച്ചോ ആ കണക്കിനുതന്നെ കൊടുക്കണം. ഒരു കാര്യം കുറയ്ക്കേണ്ട ആവശ്യമില്ല. എന്നാൽ മുതലോടുകൂടി പലിശ ചേർത്തുപോയാൽ അതു പ്രത്യേകം തിരിച്ചറിയണം. അതിലേക്കാണു ഈ ഭേദഗതി

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MR. N. NARAYANA KURUP: Sir, I support this amendment. By this amendment it is meant to trace back the principal of any debt to 1105. This House knows that from 1105 onwards the price of produce of every description has been steadily and consistently falling. We have statistics to show that pepper which has been fetching Rs. 500 per candy in 1105 is fetching now Rs. 90 only. This fall has been very steady from 1105 till this day. Similarly, cocoanut which is the largest industry in our State and which has been fetching Rs. 70 in 1105, has fallen to Rs. 20 per thousand now. Therefore the money value of 1105 compared with that after 1-1-1107 has increased. Therefore, it is quite essential that all debts should be traced to 1105 to afford facility for reduction of debt burden. Further, if a debt of Rs. 1000 in 1105 will easily swell up to Rs. 3,000 this day, that is Rs. 1,000 principal plus Rs. 2,000 as the interest for the 12 years. This amounts to 9 per cent. interest per annum. It is rather very heavy. Therefore, it is quite essential that a debt should be traced back to 1-1-1105. Therefore the definitions of 'principal' and "interest" should be included in the bill, so that the principal and interest may be separated on 1-1-1105 and the interest may be reduced.

With these few words, I support the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose this amendment. This is a matter on which much more than what is justified by the wording of the amendment has been said on various occasions before this House. I explained my position in respect of this matter when the bill was introduced. I amplified the reasons when the principles underlying the bill were under discussion, and, in fact, nearly half the time of the Select Committee was taken with this question. The honourable member Mr. P. S. Mahamed thinks that this is an inocuous amendment and that if it is adopted it will not materially affect the remaining provisions of the Bill. He said that he was prepared to pay all the interest that has accumulated till this day. If this is so, I do not find any reason why there should be a definition of the word 'principal'. If all the interest till this date is liable to be paid, there is no question of reopening the question of interest at all.

MR. P. S. MUHAMED: പലിശ മുഴുവൻ കൊടുക്കാമെന്നു ഞാൻ പറഞ്ഞിട്ടില്ല. കാൽശാകൂട്ടു റേറൻസരിച്ചു പലിശ കണക്കാക്കിയാലും ഈ നിയമത്തിന്റെ പരിധിയിൽ വരത്തക്ക നിലയിലുള്ള സംഖ്യകൾ കൊടുക്കണമെന്നാണു ഞാൻ പറഞ്ഞതു്.

MR. PUTHUPALLI S. KRISHNA PILLAI: That is to say, Mr. P. S. Mahamed's contention is that interest not exceeding half the principal shall alone be payable as calculated by him under this definition and that there should be a further reduction of 30, 25 or 20 per cent. as proposed in the Bill. It was not on this understanding that the proposal to make a reduction as contained in clauses 8, 9 and 10, has been adopted. To say that every transaction to which this Act applies must be reopened in order to ascertain or trace the origin of the debt is to throw unnecessarily the whole credit of the State into confusion. If you take into account every payment made, or trace the history of

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every rupee that has accumulated by way of interest and then settle the transaction it will lead to interminable difficulties and confusion. This would have been quite possible if the bill had confined itself to a few items of debt.

MR. PADIYARA JOSEPH KUNJU: കൺവെൻഷൻ എങ്ങിനെയാണെങ്കിലാ കുന്നതെന്നു പ്രസ്താവിക്കാൻ ദയവുണ്ടാകുമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, it is now proposed by this definition to reopen every transaction to the earliest debt in 1105. If that is so, every debt which has been paid or every debt to which this Act applies, will have to be enquired into for the purpose of ascertaining what exactly was the principal or debt which was due on 1-1-1105, Every debtor, then, will claim that the debt due today has its origin in a debt which was contracted on a date before 1-1-1105. If this is so, transactions by way of settlement which have taken place during the last 11 years will have to be enquired into or taken into account in ascertaining what exactly is the principal or how much is due. This will necessitate the reopening of all the decrees now pending execution. On the other hand, a simpler process is now available. A debt is a debt which is payable on the date of the Act; but the debtor gets the benefit of the Act if he pays in accordance with the provisions contained in clause 9. If a debt is to be reopened, the rule that "The first instalment is paid within six months from the date of the commencement of the Act" will become completely inoperative, because the exact liability of a debt is not going to be ascertained within six months. The exact amount payable in respect of any debt is not possible to be determined within six months of the commencement of this Act. It would not be possible for the parties to come to an agreement on the matter and in most cases they will have to go to the Court. The Court will have to take notice of the series of transactions that might have been entered into between the parties. No doubt, to debtors who do not want to make a proper settlement of their debt and get themselves free from the meshes of the debt liability, this definition may do some good, because every debtor will get in respect of his debt at least a period of not less than four years for the purpose of ascertaining what exactly the principal amount is. At that rate, he can go on carrying a warfare with his creditors and cause the greatest discomfiture to the creditor and the credit classes in the State. It must be our endeavour to avoid this. There is a proposal for the reduction of a specific amount; whether it is the principal or the interest that is reduced, it does not matter. I do not think that any further demand should be made for reopening settled transactions.

With these words, I oppose the amendment.

MR. E. SUBRAMONIA IYER: Sir, I oppose the amendment practically for the same reasons stated by the Legal Remembrancer.

MR. PADIYARA JOSEPH KUNJU: അങ്ങിനെയാണെങ്കിൽ മറ്റുടയാവിരിക്കുന്ന അധമർണ്ണർക്കു നഷ്ടം സംഭവിക്കയും മുടക്കുകെട്ട അധമർണ്ണർക്കു ലാഭം ഉണ്ടാകയുമല്ലെ ഇതുകൊണ്ടുവരുന്നഫലം?

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MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the question does not need any answer from me.

MR. E. SUBRAMONIA IYER: Sir, I oppose the amendment practically for the same reasons put forward by the Legal Remembrancer. The amendment, no doubt, comes as a definition, but in substance it is a supersession of the next clause, "Subject to the provisions of Sections 4 to 7 this Act shall apply to all debts incurred before the 23rd day of Dhanu 1112 and subsisting at the commencement of this Act". Further, with an explanation it was pointed out that even if a debt is incurred after 23rd Dhanu 1112, if the whole of that debt or a portion of it is in renewal of a past debt incurred before the 23rd Dhanu 1112, it shall be deemed to be a debt to which this Act applies. It is upon that basis that the provisions of the Act have been framed. Who are the people entitled to relief? Certain debtors are entitled. We have excluded certain debtors. Then, to what all debts the Act will apply? Certain debts are excluded and those must be debts incurred after the 23rd Dhanu 1112.

The Act will not apply to any debt incurred subsequent to that date. But a further concession was made in the case of debts which though in form were debts incurred subsequent to 23rd Dhanu 1112 were in substance debts incurred before that date. To that extent the Select Committee were prepared to go. Now by introducing this definition this Act is sought to be applied to all debts incurred before the date of commencement of the Act with the further explanation that it would apply to enumeration of past debts and accumulation of interest in regard to debts incurred subsequent to 1105. This amendment is not merely an amendment so to speak. This is something which goes to the very root of the Act. The Act was sought to be made applicable only to debts incurred prior to 23rd Dhanu 1112 and in the case of debts incurred subsequent to that date, a further concession was made by saying that in the matter of interest, anything exceeding half the principal will not be allowed. This concession has been given even in respect of a debt for which a decree has been obtained under the Code of Civil Procedure and even though such a decree has awarded interest from the date of the filing of the suit. In many cases it may be found that the interest would not only exceed half the principal but also exceed the principal itself, because it is a fact known to many that the time between a suit and a decree sometimes comes to eleven years during which period the contract rate of interest is allowed by the court. I am aware of instances where the interest from the date of the suit to the date of the decree has gone much beyond the principal. In such cases, even though the creditor has obtained a decree by this act we are going to say that we will revise the decree and reduce the interest by cutting it down to half the principal. All these concessions we are giving on the express understanding that the reopening will be confined to debts incurred subsequent to 23rd Dhanu 1112. But, if the House thinks that debts incurred before 23rd Dhanu 1112 should also be reopened, then the question will arise whether all the concessions in the matter of interest,

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period for repayment, reduction of the principal amount, etc., do not require reconsideration. When we are met here for legislating, if we are going to change our minds according to the weather, I do not know where we are going to be. As I said on another occasion, if we want legislation, it is better to have a spirit of compromise. With these words I oppose the amendment.

MR. K. KUNJU PANICKAR (*Mavelikara cum Kunnathoor*): Sir, I beg to support the amendment moved by Mr. P. S. Mahamed. The important reasons for bringing in this amendment have been mentioned by Mr. Mahamed himself. If any substantial relief is to be given to the debtors in this State, the debts should be reopened up to 1-1-1105. The actual difficulty in the matter of repayment is due not to the fault of the debtors but is due to unforeseen circumstances which have come into existence after 1-1-1105. This fact was noticed not only in this House but also by the Committee which went into details with reference to this matter. The Committee presided over by Dewan Bahadur V. S. Subramonia Aiyar has also discussed this matter in detail and submitted a report about the reopening of debts up to 1-1-1105. It is unfortunate that that position is not accepted by the Legal Remembrancer. The actual grievances of the debtors throughout the length and breadth of this State have been stated and brought to bear upon the discussions on this matter.

(At this stage the President left the House and the Deputy President took the Chair.)

The reopening of the debts is absolutley necessary if any substantial relief is sought to be given to the debtors. The debtors who are actually in grief and who are actually endeavouring to work for their mere sustenance need alone be helped. It was with this object in view that I have sent an amendment as regards the limit to be fixed to the debts to which this Acts should be applicable. Under Clause 3, I have proposed Rs. 10,000 as the limit, of the debts to which this Bill may be applied, if the principle as to reopening of debts is accepted. Any debt beyond that amount may be taken to have been incurred for speculative purposes. As regards debts up to Rs. 10,000, it may be taken that the actual cultivators and the actual industrialists of this land who were honestly working for their very existence has to incur these debts and that they could not pay up the money on account of changed circumstances from 1-1-1105. So I support the motion of Mr. P. S. Mahamed.

MR. KANNANTHODATHU JANARDANAN NAIR: I too support the amendment before the House. The present Debt Relief Bill as other Bills elsewhere is said to be necessitated by the economic depression which set in 1105. The economic depression which came in 1105 became acute in 1107. That there is universal recognition to this can be seen from the very fact that the Imperial Bank of India reduced its rate of interest in 1107. One of the most predominent features of the economic depression was a steep fall in the prices of commodities. Pepper which was valued at Rs. 500 to 600 per candy before

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depression was valued at only Rs. 60 to 70; Rubber which fetched 200 cents before depression fetched only 40 to 50 cents after depression. Similarly paddy which fetched Rs. 1½ per para before depression fetched only 12 to 14 chuckrams after depression. There was a similar fall in the prices of all commodities. Value of land also went down from 40 to 50 per cent. Besides the economic depression, change in the exchange ratio also affected the producers especially our agricultural producers, who have produced to sell by a fall in the price of commodities measured in rupees. In a predominently agricultural country like Travancore the amount of money that circulates is equivalent to the value of its produce. So when the prices went down the amount in circulation also went down proportionately. What we want is to effect an equitable readjustment of the debts. What I mean is that interest charged from 1105 onwards at 12 per cent. for money debts and 20 per cent. for paddy debts does not in any way bear a relationship to the price of commodities and that the interest should be scaled down to that level at which the economical equilibrium will be maintained. It is for that purpose that this amendment is moved.

The effect of this amendment will be to go back to 1105 and to settle what is the principal on 1-1-1105. It lays down that interest can be converted into principal only before 1105 and not thereafter. In other words all transactions that have been renewed after 1-1-1105 will have to be reopened and the interest and the principal will have to be calculated and settled. If, at that stage, any amount of interest is converted into principal after 1105 that will naturally lapse, and such amounts will only be adjusted towards interest. If that is not done, the effect of legislation will be to allow compound interest on all debts after 1-1-1105. I mentioned all debts because no money has been forthcoming all these years and old loans have been merely renewed. Our duty is to save the agriculturist class, especially the middle class agriculturists, from inequitable expropriation of land; for every debt in Travancore, whatever its nature and extent finally converts itself into a charge on land. The real reason why people went into debts so heavily is that the purchasing power of the rupee was low before the depression but suddenly rose after it. So much so an agriculturist who incurred a debt of Re. 1 before the depression has now to part with more produce for discharging that debt. If I had contracted a debt of Rs. 1,000 before the depression, my creditor would have given me the money by selling 1½ candies of pepper. But for discharging the mere principal of that debt now, I will have to sell at least 10 to 20 candies of pepper. Considering these hardships brought about by the slump in prices, I think that, following the Madras, Cochin and other Debt Relief Bills, we should also provide for renewed transactions to be reopened, and the principal on which interest can be demanded clearly settled. Only such a relief can be availed with benefit. With these words I support the amendment.

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MR. KAINIKKARA M. PADMANABHA PILLAI: Sir, I too support the amendment. I do not pretend that the amendment is an insignificant one. I agree with the Legal Remembrancer in viewing this amendment as of real significance and importance. It does make a substantial change in the operation of the Act as placed before us. But I agree with it because I honestly feel that a substantial change is necessary in this respect.

Mr. E. Subramonia Aiyar said that we should not change our views as the weather. I must say that ever since Chingam this year I have consistently held the position—and no weather or climate has yet changed my view on this subject. I am firm in my opinion that an equitable and just relief cannot be afforded to the debtors except with the provision for re-opening renewed transactions. One fact that is self-evident to us is that the class of debtors that deserve the greatest amount of relief are those persons who borrowed money before the depression began and are compelled to repay it during depression period. It is equally evident that the creditors who can suffer a cut are also these persons who loaned out during pre-depression period and realise it during depression period. As such it is evident that the most substantial form of relief has to be provided for those persons who have incurred debts during the depression period. The Bill as amended by the Select Committee and which is now before the House completely ignores that aspect of the question. As was pointed out by Mr. Sambasiva Iyer on one occasion, it is inequitable to a big class of creditors on the one side and inadequate for the debtors on the other. To come to an equitable decision on this point, the only possible method is to find out the real principal and the real interest. And therefore, I believe, that without a provision for that, it may not be possible to come to a just conclusion on this subject. As far as I have been able to learn, I have not come across any Debt Relief Regulation where that has not been allowed. When we think of giving relief to a debtor, the most justifiable relief that could be given is in the matter of interest. If that principle is accepted, the logical conclusion is to separate principal from interest. The bill placed before us provides for arriving at the final amount by calculating even compound interest. To avoid the inequity of making an invidious distinction between creditors and to prevent the inadequacy of relief to the more needy class of debtors, the only justifiable method is to separate principal from interest and for that, a reopening of the transactions is absolutely necessary. Therefore, I believe that even though the change be fundamental, even if it necessitates a recasting of the subsequent provisions, so long as we have in view the finding of an equitable decision, it is necessary to concede this suggestion. The Debt Relief Committee considered this question very carefully. In the Debt Relief Acts that have been promulgated elsewhere as far as I know, no exception has been made to the reopening of transactions. If all the Acts so far enacted elsewhere favour such a rule and it is also endorsed by the Committee's recommendation, I do not find why the Government should take objection to re-opening renewed documents. When even decrees are practically

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re-opened, wherein lies the sanctity of the renewed documents? Again persons who have paid no interest till now get reductions in the matter of repayment. The debtors who force the creditors to go to court and thereby cause them all the difficulties consequent on law suit—such debtors get relief. But those debtors who are prepared to pay the loan amount, but has not capacity to raise money at the moment in satisfaction of a debt—such persons are refused relief. That ought not to be the state of things. Therefore I say that if we are to have an equitable provision for giving relief to debtors, the only and the inevitable method is to re-open a renewed document whether it is under decree or otherwise.

MR. PUTHUPALLI S. KRISHNA PILLAI: The member was saying that there is no Debt Relief Legislation anywhere which does not adopt the provision suggested by the member. Is the member aware of any legislation where every debtor and every debt are brought within the ambit of the relief measure?

MR. KAINIKKARA M. PADMANABHA PILLAI: That question would have been very relevant if we were to consider the relief measure as presented by the Debt Relief Committee report. But the Relief Bill now we are considering makes exclusions of a wider range. The exclusion of debts incurred for the purchase of articles excludes even agricultural debts.

MR. J. E. A. PERIERA (*Commerce and Industry South*): Sir, it may be conceded that according to the present Bill, the relief sought out to the debtor is not thorough from his standpoint. In aiming at a thorough overhauling, we ought to consider the possible difficulties that stand in the way of a debtor as well as a creditor. According to me, any provision which will enable the debtor to reopen documents would only amount to laws delays; consequently, much damage will be done to the interests of the creditor as well as the debtor. Under the circumstances, as remarked by Mr. Subramonia Aiyar we have to approach the relief problem in a spirit of compromise. There would arise undue dragging of cases in courts if the spirit of compromise is absent. The very object of settlement of transactions would be frustrated. So, I am of the opinion that any provision that involves re-opening of prior debts will not be in the best interests of the debtor and creditor classes.

MR. M. R. NARAYANA PILLAI (*Thiruvalla*): Sir, I strongly support the motion. I consider it a very wholesome amendment. It is essential that this provision should find a place in this Bill. There are cases where "half a loaf" may be considered better than "no loaf". But in this case I consider that it is better to have "no loaf" rather than "half a loaf".

MR. JOSEPH VITHAYATHIL (*Kunnatnad cum Parur*): Sir, I oppose the amendment. I may say at the outset that in the Bill introduced by me there was a provision similar to the one contained in the amendment. I do not deny the fact that it is an equitable way of scaling down the debt. But the present Bill is based on an entirely different principle.

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MR. KAINIKKARA M. PADMANABHA PILLAI: What is that difference in principle please ?

MR. JOSEPH VITHAYATHIL: With regard to the scheme of the present Bill reduction of debt is conditional. Debt is reduced only if payment is made within a particular time and in prescribed number of instalments. But according to my Bill the debt is scaled down irrespective of the question of payment. It may be that the method of scaling down by re-opening the transactions is intrinsically a more equitable method ; but the practical difficulties of adopting such a method are enormous and will more than counterbalance the advantage secured thereby.

MR. P. S. MAHAMED: ഡെറസ് റിലീഫ് കമ്മറിക്കാർ ഇതു പുതു ക്കണമെന്നു പറഞ്ഞതുകൂടാതെ ഫറ ഒ മുതൽ കടങ്ങൾക്കു ര ശതമാനം പലിശയേ ചുമത്താവൂ എന്നും പറഞ്ഞിട്ടില്ലെ?

MR. JOSEPH VITHAYATHIL: According to the amendment all debts renewed after 1-1-1105 can be re-opened and traced back to that date. We will for a moment consider the practical difficulty of adopting provision. Practically all subsisting transactions may be re-opened. But the greater danger is that in the case of every debt whether renewed or not it can be contended by the debtor that it is a renewed debt and that it should be traced back to 1105. The documents may not be clear on the point. Some may specifically say that they are renewals ; others may not. Very often no reference is made in the renewed document to the prior transaction and the consideration is said to be ready cash payment. Even in the case of a new transaction the debtor can contend that it is a renewed transaction and will be entitled to adduce evidence on the point. The matter can be taken in appeal and sometimes in second appeal. Consider the amount of delay that can be caused by this means. Since the amendment will apply to decree-debts also we can more or less imagine the terrible confusion that will be enacted in the administration of justice. The thousands of decrees subsisting now will have to be re-opened and the suits virtually re-tried and appeals and second appeals may be preferred in such cases also. Even in the case of decrees passed on the basis of fresh transactions it can be contended by the debtor that the transaction is a renewal. Knowing as I do the mentality of our litigant public I am sure that by far the majority of the debtors will avail themselves of the provision contained in the amendment for delaying payment. The result will be terrible confusion.

Another aspect of the matter is the great hardship that will be caused to persons who have taken assignments of documents or endorsements of negotiable instruments which are renewals, paying the full amount of the debts to the original creditors. They are asked to suffer for the more fact that the assignments they took are of renewed debts. I know that Mr. Padmanabha Pillai holds very strong views on the point. I have only to request him to consider the practical difficulty of

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applying the provision. If re-opening of documents is to be accepted and if the rate of interest is reduced there is no meaning in providing for a further scaling down of the debt. In such a case those who have paid over and above the amount of interest that accrue according to the reduced rate will not get any advantage so long as the excess payment is not credited towards the principal. The man who has not paid anything will get all the advantages. This aspect of the matter also deserves consideration. Anyway the re-opening provision will bring about immeasurable confusion in its practical working. Even now law's delay is our curse and if this amendment is adopted we shall be worsening the situation. The object of the Bill is to induce the debtor to pay by affording him all reasonable facilities for payment, but the effect of the amendment will be to induce him to delay payment. This will be the practical effect of adopting such a provision, however equitable it may be as a method of scaling down the debt. It is true that the Debt Relief Committee has recommended such a provision, but the committee has not considered the practical difficulty in applying the same. It has also to be said in this connection that in a legislation of this nature it is not possible to confer the same amount of advantages on all classes of debtors. We can only adopt a course that will be advantageous to the majority of debtors and which will not at the same time create serious difficulties in its practical application. It has also to be noted that the Cochin Act, though based more or less on the lines of the Madras Act, has not adopted this provision. After all Sir, why should we fight so much about the method of scaling down the debt ? The Bill provides for scaling down the debt to the advantage of all debtors—to those who have paid portions of the debt and also to those who have not paid anything.

Another aspect of the matter I wish to impress upon the House is that if this amendment is adopted the whole Bill will have to be redrafted, because the Bill is based on an entirely different scheme. If we accept the amendment we shall in a way be giving occasion for the whole thing to be dropped. I earnestly appeal to the Honourable members not to give a chance for such a contigency.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know whether he is aware of the way in which that practical difficulty was got over in other countries where there is such a provision in the Debt Relief Act ?

MR. JOSEPH VITHAYATHIL : I am aware of a similar provision only in Madras. Cochin Legislature discussed the matter and it refused to adopt such a provision.

MR. K. KUNJU PANICKAR : May I know whether there will not be complications in the case of renewals after 23-5-1112 ?

MR. JOSEPH VITHAYATHIL : Explanation to clause 3 only says that the Act would apply to debts incurred before 23-5-1112 but renewed after that date. It does not say that the principal will be the amount originally borrowed. The principal will be the amount included in the renewed document.

MR. KAINIKARA M. PADMANABHA PILLAI : Suppose it is only a part ?

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MR. JOSEPH VITHAYATHIL: To that part the Act will apply. You must remember that such cases will be comparatively few. But to say that all the debts renewed after 1-1-1105 must be re-opened is altogether different. That will lead to terrible confusion, and the object of the legislation will be defeated. Our object is to reduce the debt and induce the debtor to pay. Considering all these aspects I would say that the provisions contained in the Bill as it is are quite satisfactory. A reasonable reduction of the amount, a reasonable time to pay, and an inducement to pay are the three chief principles on which the Bill is based. By rejecting these principles, by insisting on the scheme contained in the amendment, however equitable it may be intrinsically, we shall be defeating the object of the Bill and the result of the insistence may be that the Bill itself is wrecked. So I earnestly request all the Sections of the House, especially Mr. Padmanabha Pillai who, I know, holds very strong opinion with regard to this matter, not to create such a situation. If we do so we shall be acting against the true interest of the people. We must realise that the people are anxiously waiting for the passing of this Bill and any obstacle that we may place in the way must be decidedly harmful to the country. I therefore earnestly request Mr. Muhamed to reconsider the matter and to withdraw the amendment.

MR. E. P. VARGHESE (*Ambalapuzha* cum *Shertala*): I also oppose the amendment. But let me make it clear that I am one of those who want to give as much relief to the debtor as possible. But it is not by prolonging the agony that we are going to give it. If we adopt this amendment we will be standing against the abolition of debts for years and years to come. The Honourable Member who spoke just now pointed out how confusion would be created by reopening settled accounts. All the prolonged process of our litigation will have to be gone through. The debtor will never get rid of his debt. I think it is by compromise that we can settle these things. There will be always two extreme points of view. There is the creditor who wants his pound of flesh on the one side and the debtor who does not want to pay a single cash on the other side.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether the payment in instalments will not increase the agony of the debtor?

MR. E. P. VARGHESE: But let us not prolong it. Atleast within nine years he will get rid of his burden. My request to the Honourable members is to look at the question from the practical point of view. There will be two extreme points of view. So, without going into the merits which has been discussed several times before, let us talk from a practical point of view and, atleast as a compromise, accept it.

MR. PADIYARA JOSEPH KUNJU: മി: പി. എസ്. മഹമ്മദ് ഇവി ടെ വളരെ സമർത്ഥമായി അവതരിപ്പിച്ചിട്ടുള്ള ഭേഗതിയെ ഞാൻ ഹാർദ്ദമായി പിൻ താങ്ങുന്നു എന്നെ ബഹുമാന്യസ്നേഹിതനായ ലാ ഗൽ റിമെംബ്രൻസർ അദ്ദേഹത്തിന്റെ അസാധാരണമായ പാണ്ഡിത്യ വും വാഗ്ധാടിയും അനസ്യൂതമായും അസാമാന്യമായും ചെലവാക്കിയിട്ടും

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Mr. Padiyara Joseph Kunju.]

അദ്ദേഹത്തിന്റെ പരിശ്രമം വളരെ പരാജയപ്പെടുകയാണുണ്ടായത്. അതു് അദ്ദേഹത്തിന്റെ ന്യൂനതകൊണ്ടല്ല, പ്രത്യുത അദ്ദേഹം കൊണ്ടുവന്ന വാദത്തിന്റെ ബലഹീനതകൊണ്ടു മാത്രമാണ്.

ഈ ദേഗതിയുടെ ആവശ്യകതയെപ്പറ്റി പലരും പറഞ്ഞുകഴിഞ്ഞതുകൊണ്ടു് ഞാൻ അതിനെപ്പറ്റി ക്രുടുതലായി ഒന്നും പറയണമെന്നു വിചാരിക്കുന്നില്ല. എനിക്കു മനസ്സിലാകാതിരുന്ന ഒരു കാര്യത്തെപ്പറ്റി ഞാൻ ലീഗൽ റിമെംബ്രൻസറോടു ഒരു ചോദ്യം ചോദിച്ചപ്പോൾ അദ്ദേഹം അതിനു മറുപടി പറയാതിരുന്നതു് അദ്ദേഹത്തിനു് അതിന്റെ ശരിയായ മറുപടി പറയുന്നതിനു നിവൃത്തിയില്ലാഞ്ഞിട്ടായിരുന്നു.

മറുപടി പറയാനുള്ള ശേഷി അദ്ദേഹത്തിനില്ലാഞ്ഞിട്ടല്ലാ, അപ്രകാരം ചെയ്തതു. മറുപടിയെ അർഹിക്കുന്നില്ലാത്ത ഒന്നായി അദ്ദേഹം എന്റെ ചോദ്യത്തെ ഗണിച്ചതായി അദ്ദേഹം നടിക്കുകയാണു ചെയ്തതു്. അദ്ദേഹം മറുപടി പറഞ്ഞാലും ഇല്ലെങ്കിലും എന്റെ ചോദ്യത്തെ ഞാൻ ഒന്നുകൂടി വ്യക്തമാക്കാം. അതിനു അദ്ദേഹത്തിനു ശരിയായ മറുപടി പറയുന്നതിനു് സാധിക്കുകയില്ലെന്നു് എനിക്കു നിശ്ചയമുണ്ടു്. മുദ്ദാക്കാരെയാണോ മുദ്ദായില്ലാത്തവരെയാണോ നിയമം മൂലം സഹായിക്കേണ്ടതു്? ഇതായിരുന്നു എന്റെ ചോദ്യം. ഒരു ഉദാഹരണം പറയാം ഫ ഫ ൦ നു കുക്കടകമാസത്തിൽ ഫ ൧ ൦ ൦ രൂപ ഫ ൫ ശതമാനപ്പലിശക്കു ഒരു മുദ്ദാക്കാരൻ വാങ്ങിക്കുന്നു. അതേസമയം വേറൊരു ആയിരംരൂപാ മുദ്ദാകെട്ട ഒരുവൻ ന്യൂശതമാനപ്പലിശക്കു വാങ്ങിക്കുന്നു മുദ്ദാക്കാരൻ വാങ്ങിക്കുന്ന പണം ഫ ൫ ശതമാനപ്പലിശക്കായതുകൊണ്ടു ഫ ഫ ൦ വൃ കന്നിമാസത്തിൽ അരുവാശിയാകും ആയാൾ നേരെ ഉത്തമർണ്ണന്റെ അടുക്കൽചെന്നു 'എനിക്കു പണംതരാൻ നിവൃത്തിയില്ല' എന്നു പറഞ്ഞു ഫ ൧ ൦ ൦ രൂപയുടെ പ്രമാണം ഒന്നു മാറി എഴുതിക്കൊടുക്കുന്നു.

MR. KANNANTHODATHU JANARDANAN NAIR : പ്രമാണം മാറി എഴുതിക്കൊടുക്കുമ്പോൾ കുറച്ചു പണമെങ്കിലും കൊടുക്കണ്ടേ?

MR. PADIYARA JOSEPH KUNJU : സാധാരണ അങ്ങിനെ ചെയ്യാറില്ല. ചിലപ്പോൾ പണം കൊടുക്കും. ചിലപ്പോൾ കൊടുത്തില്ലെന്നും വരാം.

MR. KANNANTHODATHU JANARDANAN NAIR : പണം കൊടുത്തിരിക്കുമെങ്കിൽ അതു വരവു വയ്ക്കുകയില്ലേ?

MR. PADIYARA JOSEPH KUNJU : ചിലപ്പോൾ വരവുവയ്ക്കാറുണ്ടു്. ചിലപ്പോൾ അതു ചെയ്യുകയില്ല.

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ക ൦ ൦ ൦ രൂപ കടംവാങ്ങിച്ച അവസരത്തിൽ അധമർണ്ണനുണ്ടാ യിരുന്ന സ്ഥിതിയല്ല, നാലുകൊല്ലവും രണ്ടുമാസവും കഴിഞ്ഞു, പലിശ അരവാശി തികഞ്ഞു, പ്രമാണം മാറി എഴുതി കൊടുക്കുമ്പോഴുള്ള സ്ഥിതി. അയാൾ നാൾക്കുനാൾ കടംകൊണ്ടു നശിക്കുകയാണ്. ഉല്പന്നങ്ങൾക്കു വില കിട്ടാൻ തരമില്ല. ഉള്ള വസ്തുക്കൾ വിൽക്കാമെന്നുവച്ചാൽ ശരിയായുള്ള വിലകിട്ടുകയുമില്ല. ക ക ക ൨ വൃശ്ചികത്തിൽ ആ കടം ൨൨ ൫ ൦ രൂപയായി വർദ്ധിച്ചു. വീണ്ടും പ്രമാണം മാറി എഴുതികൊടുക്കുന്നു. ഈ മര്യാദക്കാരനു ഈ നിയമപ്രകാരം കിട്ടുന്ന ഗുണം ൨൨ ൫ ൦ രൂപയിലും മേൽ പലിശയിലും ൨൦ ശതമാനം ഇളവും ൻ കൊല്ലം കൊണ്ടു തവണകളായി അടച്ചാൽ മതിയെന്നുള്ള ഒരു ആശ്വാസവും മാത്രമാണ്. ഇനി മര്യാദകെട്ടവന്റെ കഥയെടുക്കാം. അയാളുടെ കടത്തിനു ക ക ക ൨ തുലാമാസത്തിലെ, പലിശ അരവാശി തികയുന്നുള്ളൂ. അപ്പോൾ ഉത്തമർണ്ണൻ ആ അധമർണ്ണനെ, സമീപിക്കുന്നു. "പോടാ പോ" എന്നു പറഞ്ഞു അധമർണ്ണൻ ഉത്തമർണ്ണനെ ആട്ടി അയക്കുന്നു. ഉത്തമർണ്ണൻ ക ക ക ൨ വൃശ്ചികത്തിൽ ആ കടത്തിനു അന്യായം കൊടുക്കുന്നു. അയാൾ ക ൫ ൦ ൦ രൂപയുടെ ൨൦ ശതമാനം കുറച്ചുള്ള പണം മാത്രം ഒമ്പതു സംവത്സരംകൊണ്ടു കൊടുത്താൽ മതി. ഇതിനെപ്പറ്റി ലീഗൽ റിമെംബ്രൻസർക്കു എന്തു സമാധാനമാണു പറയാനുള്ളതു എന്നു ഞാൻ ചോദിച്ചപ്പോൾ അതു മറുപടിയെ അർഹിക്കുന്ന ഒരു ചോദ്യമല്ല എന്നു പറഞ്ഞു വളരെ സാമർത്ഥ്യത്തോടുകൂടി ഒഴിഞ്ഞുമാറുകയാണു അദ്ദേഹം ചെയ്തതു. അദ്ദേഹം ഒരു ഗവണ്മെൻറുദ്യോഗസ്ഥനാണ്. അതുകൊണ്ടു എങ്ങനെ വേണമെങ്കിലും മറുപടി പറയാതിരിക്കും.

ഈ ബില്ലിനെപ്പറ്റി പറഞ്ഞുവന്നപ്പോൾ കൊച്ചിയിൽ അങ്ങനെയുണ്ടു, മൈസൂരിൽ ഇങ്ങനെയുണ്ടു് മദ്രാസിൽ ഇങ്ങനെയാണു എന്നെല്ലാം പറയുന്നതു കേട്ടു. എനിക്കു പറയാനുള്ളതു്.

MR. TAMARAPALLIL KOCHUTHOMMEN (*Thiruvalla*) : ക ൦ ന-ൽ വാങ്ങിച്ച പണം അയാൾ എന്തുചെയ്യു?

MR. PADIYARA JOSEPH KUNJU : എനിക്കു ചോദ്യം മനസിലാകുന്നില്ല.

MR. TAMARAPALLIL KOCHUTHOMMEN : ക ൦ ന-ൽ അയാൾ കടം വാങ്ങിച്ച പണം എവിടെയെങ്കിലും മുടക്കിയാൽ അയാൾക്കു ലാഭം കിട്ടണമെല്ലോ. എങ്കിൽ ആ ലാഭത്തിൽനിന്നും മുതലിൽ കുറെ ഭാഗമൊ പലിശ മുഴുവനെങ്കിലുമോ അയാൾക്കു കൊടുത്തുതീർക്കാൻ കഴിയുമായിരുന്നില്ലേ?

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MR. PADIYARA JOSEPH KUNJU : ആ പണം മുടക്കി അയാൾ വല്ല തടിക്കച്ചവടവും നടത്തിയിരുന്നുവെങ്കിൽ ഒരുപക്ഷേ ലാഭം കിട്ടുമായിരുന്നേനെ. ഒരുപക്ഷേ സാധാരണ കടംവാങ്ങുന്ന പണം വസ്തു വാങ്ങുന്നതിനോ കൃഷിയാവശ്യങ്ങൾക്കു ചെലവാക്കുന്നതിനോ ആയിട്ടായിരിക്കും വിനിയോഗിക്കുക. സാമ്പത്തികാധഃപതനവും ഉല്പന്നങ്ങളുടെ വിലക്കുറവും നിമിത്തം അധമർണ്ണൻ വിഷമിക്കുന്ന അവസരത്തിൽ പലിശ എങ്ങിനെ കൊടുത്തുതീർക്കും?

ഈ ഭേദഗതി സ്വീകരിക്കുന്നതിനു പ്രായോഗികമായ ചില വൈഷമ്യങ്ങളുമുണ്ടെന്നാണ് മി: ജോസഫ് പ്രിതയത്തിന്റെ തർക്കം. അതിനെ മി. ഇ. പി. വർഗീസ് പിൻതാങ്ങുകയും ചെയ്തു. വൈഷമ്യം സഹിച്ചാലും വേണ്ടുകില്ല. നീതി നടത്തണമെന്നാണ് എനിക്കു പറയാനുള്ളത്. ഈ ബിൽ വേണ്ടെങ്കിൽ വേണ്ടാ എടുത്തു ദൂരെക്കളഞ്ഞാലും വിരോധമില്ല. പാസാക്കുകയാണെങ്കിൽ മര്യാദക്കാർക്കും നീതി ലഭിക്കണം. തിരുവിതാംകൂറിന്റെയും തിരുവിതാംകൂർ ഗവണ്മെണ്ടിന്റെയും അഭിമാനത്തെ പരിപാലിക്കണമെന്നുള്ള ഏക ഉദ്ദേശത്തോടുകൂടിയാണു ഞാൻ ഈ ഭേദഗതിയെ പിൻതാങ്ങുന്നതു. മര്യാദക്കാരെയല്ല മര്യാദകെട്ടവരെയാണു ഈ നിയമം സഹായിക്കുന്നതെന്നുള്ള ഒരു നിലയിൽ ഈ ബിൽ പാസാക്കുന്നതു ഗവണ്മെണ്ടിനും ഇതു എഴുതിയുണ്ടാക്കിയ ലീഗൽ റിമെബ്രൻസർക്കും ഒരിക്കലും അഭിമാനകരമായിരിക്കയില്ല. ഇതിനേക്കാൾ നല്ലതു് ഉത്തമർണ്ണൻ ചോദിക്കുന്നിടത്തോളം പണം അധമർണ്ണൻ കൊടുക്കണമെന്നു വയ്ക്കുകയാണു്.

ഇതു കണക്കു കൂട്ടാൻ വിഷമമെന്നാണ് മറെറാരു വാദം. അതിനിത്ര വൈഷമ്യമെന്താണ്? എന്റെ ബഹുമാന്യവക്കീൽ സ്നേഹിതന്മാർക്ക് എന്തെങ്കിലും ഒരു വഴിക്ക് ആദായം കിട്ടണമല്ലോ. അതുകൊണ്ട് ഒന്നുകിൽ നിയമം പാസാക്കണ്ടാ, അല്ലെങ്കിൽ മര്യാദക്കാർക്കുംകൂടി രക്ഷ കിട്ടത്തക്കനിലയിൽ ഈ നിയമം പാസാക്കണം.

MR. K. P. KOCHUKORATHARAKAN : മര്യാദക്കാർക്കു ഫസ്റ്റ് ശതമാനം പലിശക്കു പണം കടം കിട്ടുമ്പോൾ മര്യാദകെട്ടവർക്കു നൂശതമാനം പലിശക്കു പണം കിട്ടുമെന്നുള്ളതു് ഒരു പതിവാണോ?

MR. PADIYARA JOSEPH KUNJU : പലിശയുടെ ശതമാനനിർണ്ണയം കെടുക്കുന്നവന്റെയും വാങ്ങിക്കുന്നവന്റെയും മനസ്ഥിതിയേയും അവസരത്തേയും ആശ്രയിച്ചാണിരിക്കുന്നതു്. പണം കൊടുത്തുകഴിഞ്ഞതിനു ശേഷമാണു് മര്യാദക്കാരനോ അല്ലാത്തവനോ എന്നറിയുന്നതു്.

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MR KOTTALIL P. ABRAHAM : വാങ്ങിച്ച പണം കൊടുക്കാതിരിക്കുന്നതു മര്യാദയുള്ളതുകൊണ്ടോ ഇല്ലാതിരിക്കുന്നതുകൊണ്ടോ?

MR. PADIYARA JOSEPH KUNJU : രണ്ടുകൊണ്ടും ഉണ്ട്. നമ്മുടെ മുൻപിൽ ഇരിക്കുന്ന ചീഫ സെക്രട്ടറി തിരുവിതാംകൂറിലെ ഏറ്റവും ഉത്തമനായ ഒരു ഉത്തമർണ്ണനാണ്. അതു് എല്ലാവരും സമ്മതിക്കും. ഇന്നു് ലീഗൽ റിമെംബ്രൻസർ എഴുതിവച്ച ബില്ലിനേക്കാൾ വളരെ വളരെ ആനുകൂല്യം അദ്ദേഹത്തിന്റെ അധമർണ്ണർക്കു കിട്ടും. ഇതു് ലീഗൽ റിമെംബ്രൻസറെത്തന്നെ രേഖാമൂലം ബോധ്യപ്പെടുത്തുവാനും എനിക്കു കഴിയുന്നതാണു്. എന്നാൽ കാരുണ്യം കാണിക്കാത്ത ഉത്തമർണ്ണന്മാരാണു അധികം ഉള്ളതു്. അവരിൽനിന്നും ആശ്വാസം ലഭിക്കുന്നതിനായിരിക്കണം നിയമം ഉണ്ടാകുവാൻ.

MR. PUTHUPALLI S. KRISHNA PILLAI : വാങ്ങിച്ച പണം കാലാവധി തികയുമ്പോൾ പലിശ സമ്മതിച്ചു കൂട്ടിയെഴുതി പ്രമാണം മാറി എഴുതികൊടുത്തിട്ടു ഇപ്പോൾ കൊടുക്കുകയില്ലാ എന്നു പറയുന്നതു മര്യാദയാണോ?

MR. PADIYARA JOSEPH KUNJU : കൊടുക്കുകയില്ലാ എന്നു പറയുന്നില്ലല്ലോ? അങ്ങനെയെങ്കിൽ ഈ ബിൽപോലും കരാറുകാർക്കെല്ലാം വിപരീതമാണല്ലോ കൊടുക്കുവാനുള്ള പണത്തിന്റെ ൫൦ ശതമാനം ഇളവുചെയ്യണമെന്നു പറയാൻ എന്തവകാശമാണുള്ളതു്? ഏതെങ്കിലും ചില ആശ്വാസനിവർത്തികൾ അധമർണ്ണർക്കു ലഭിച്ചേതീരൂ എന്നു് ഗവണ്മെണ്ടിനു ബോധ്യപ്പെട്ടു. നിയമം മൂലം ലഭിക്കുന്ന ആ ആശ്വാസം മര്യാദയുള്ളവനു കൂടുതൽ ലഭിക്കണമെന്നു മാത്രമാണു ഞാൻ പറയുന്നതു. സമയമില്ലാത്തതിനാൽ ഇതുയും പ്രസ്താവിച്ചുകൊണ്ടു മി: പി എസ്സ്. മഹമ്മദിന്റെ ഭേദഗതിയേ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു.

DEPUTY PRESIDENT: As a section of the House objects to a sitting of the Assembly on Sunday, the House will now adjourn and meet again on Monday at 11 O' Clock.

The House adjourned at 1. 3 P. M.

A Gunamony.
Secretary to the Sri Mulam Assembly.

LIBRARY ARCHIVES Kerala Legislative Assembly